



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG:ks  
Docket No: 00573-00  
28 July 2000

From: Chairman, Board for Correction of Naval Records  
To: Commandant of the Marine Corps

Subj: LTCOL [REDACTED] USMC, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) Copy of report of proceedings of BCNR less enclosures

1. In accordance with reference (a), the Board for Correction of Naval Records has reviewed allegations of error and injustice in Subject's naval record.
2. The regulations approved by the Secretary of the Navy require that the naval record of Subject be changed, where appropriate, in accordance with the action of the Board.
3. The Board has advised Subject of the final decision in this case.
4. It is requested that this Board be furnished a copy of any correspondence relating to the enclosure; and that this letter and a copy of the enclosure be returned to the Board, together with any documentary material directed to be removed.

B. J. GEORGE  
By direction

Copies of Board action and transmittal letter to Commandant of the Marine Corps forwarded to Subject on: 28 July 2000

Copy to:  
DFAS-DE/FYCC



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 573-00

19 July 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LTCOL [REDACTED], USMC [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 21 Jan 00 w/attachments  
(2) HQMC MMOA-4 memo dtd 23 Feb 00  
(3) HQMC MMPR memo dtd 29 Feb 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of lieutenant colonel he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 2000 Lieutenant Colonel Selection Board, vice the FY 2001 Lieutenant Colonel Selection Board.

2. The Board, consisting of Messrs. Bishop and Carlsen and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 13 July 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner had a prior case (3605-99) before this Board. A copy of his decisional document is found at Tab A to enclosure (1). After he had failed by the FY 2000 Lieutenant Colonel Selection Board, the Headquarters Marine Corps (HQMC) Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4) determined that his promotion photograph had been missing through no fault of his own and recommended that his failure be stricken. His failure was removed by this Board. He appeared before the FY 2001 Lieutenant Colonel Selection Board with a

corrected record and was selected for promotion. He was promoted to lieutenant colonel with a date of rank and effective date of 1 July 2000.

c. In correspondence attached as enclosure (2), the HQMC MMOA-4, the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. In correspondence attached as enclosure (3), the HQMC Promotion Branch has commented to the effect that had Petitioner been selected by the FY 2000 Lieutenant Colonel Selection Board, he would have been assigned a date of rank and effective date of 1 January 2000.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:


a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant colonel as 1 January 2000; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

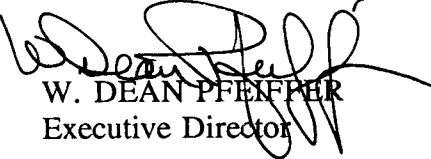
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1600

MMOA-4

23 Feb 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
Major [REDACTED] 11 9383/7202  
of 23 Feb 00

(b) MMOA4 Memorandum for the Executive Director, BCNR of  
19 Jul 99

1. Recommend approval [REDACTED] request for backdating  
his date of rank.

2. Per reference (a), we reviewed Major [REDACTED]'s record and  
petition. [REDACTED] failed selection on the FY00 USMC  
Lieutenant Colonel Selection Board. He successfully petitioned  
the Board for Correction of Naval Records for removal of his  
failure of selection and he was subsequently selected for  
promotion from In Zone on the FY01 board.

3. Normally, a single factor does not cause a failure of  
selection. However, as is evident by his selection to Lieutenant  
Colonel, our opinion in reference (b), remains germane.  
Therefore, we recommend approval of [REDACTED]'s request for  
backdating his date of rank.

R. [REDACTED]  
Lieutenant Colonel, U. S. Marine Corps  
Head, Officer Career Counseling and  
Evaluation Section  
Officer Assignments Branch  
Personnel Management Division



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:  
1412/1  
MMPR  
29 Feb 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF MAJ [REDACTED]  
[REDACTED] 2 USMC

1. If Major [REDACTED] request for backdating is approved, his date of rank and effective date will be 1 January 2000. This is the date of rank he would have received upon selection from the FY00 USMC Lieutenant Colonel Selection Board.

2. Point of contact is [REDACTED] at (703) 784-9707.

[REDACTED]  
[REDACTED]  
[REDACTED]  
By direction [REDACTED]